Anti-papist Legislation and Recusancy in Elizabethan England (1558-1603)

An Honors Thesis (HONR 499)

by

Kaitlin Buck

Thesis Advisor
Dr. Jennifer DeSilva

Ball State University
Muncie, Indiana

December 2012

Expected Date of Graduation

December 2012

Abstract

This article examines the causes and effects of anti-papist legislation in England during the reign of Queen Elizabeth I (r. 1558-1603). By examining both primary and secondary sources, it is possible to contextualize legislation and events that encouraged a more reactionary and less tolerant theme in Elizabeth's religious policy. The article begins with a discussion of the theological changes enacted by Elizabeth's immediate predecessors Henry VIII (r. 1509-1547), Edward VI (r. 1547-1553), and Mary I (r. 1553-1558). The religious policies of Elizabeth were closely linked to political motives. This becomes apparent when studying the Elizabethan Settlement and later recusancy laws and their place in the context of both domestic and foreign affairs. Throughout the article, the effects of anti-papist legislation are explored with regard to politics, foreign relations, religious practices, and everyday life.

Acknowledgements

I would like to thank Dr. Jennifer DeSilva for advising me through this project and providing her invaluable insight into the era of Elizabethan history. Her knowledge of resources and unwavering patience were always appreciated.

I would also like to thank my mother, Stacey, and grandmother, Shirley, for keeping me on task.

Anti-papist Legislation and Recusancy in Elizabethan England (1558-1603)

The period of England's history ruled by the Tudor monarchs (1485-1603) was wrought with religious turmoil that manifested predominantly during the reign of Queen Elizabeth I (r. 1558-1603). In order to examine the causes and effects of the resulting anti-papist legislation in Elizabethan England and contextualize what have come to be known as the Elizabethan recusancy laws, it is necessary to review the origins of acts and institutions that prompted such theological changes in England during this period. These origins are revealed through the actions of Elizabeth's predecessors—Henry VIII (r. 1509-1547), Edward VI (r. 1547-1553), and Mary I (r. 1553-1558). The bulk of this thesis explores anti-papist legislation during Elizabeth's reign and its transformation from the initially moderate Elizabethan Settlement (1559) to a more rigorous position and harsher punishments for recusancy. By contextualizing this legislation and the root causes of its issuance, this thesis will also examine the laws' effects and influences on English politics, foreign relations, religious practices, and everyday life.

Henry VIII (r. 1509-1547) and the new Church of England

At the time of King Henry VIII (r. 1509-1547), England and its monarchy were firmly rooted in Catholicism. On Henry's ascension to the throne, historian N. Brysson Morrison states that "the young king entered the arena of Europe like a knight entering the lists, bearing the standard of the pope, the Vicar of Christ."[1] Henry VIII's religion was that of his parents—stoutly orthodox. One instance that shows how deeply religious the king appeared to be was his

[1] N. Brysson Morrison, *The Private Life of Henry VIII* (New York: The Vanguard Press, Inc., 1964), 32.

pilgrimage to Walsingham to thank God after the birth of his first son, though the boy did not live more than seven weeks.[2]

Henry's chivalrous defense of the Catholic Church did not depend on the pope in power. He enjoyed discussing and disputing with scholars, and when he read the "heretical" works of Martin Luther, he wrote to Pope Leo that "he must defend the Church with his pen as well as his sword."[3] He supported this statement by writing a book, dedicating it to the Pope, and sending him a copy bound in cloth of gold. Upon reading it, the Pope issued a papal bull bestowing on Henry the title of "Defender of the Faith."[4] This was an important connection to the Church that elevated Henry to the status of his rivals, King Francis I of France and Emperor Charles V as King of Spain. Francis was considered the "Most Christian King." Hani notes that the French royalty had always been associated with defending Christendom since the time of the Emperor Charlemagne, crowned by Pope Leo III and known for his Christianization of Europe. In the early modern period, French kings were honored at their coronation with the crown of Charlemagne, legitimizing their role (recognized by the papacy) as defenders of Christ.[5] During the Middle Ages, the pope recognized other European princes with titles to declare them champions and most favorite sons of the Church. The King of Portugal was given "His Most Faithful Majesty," the King of Hungary was "His Most Apostolic Majesty," and the King of Spain—Henry's rival Charles V—was "His Most Catholic Majesty."[6] England now had a title of her own, and it was due to Henry.

---

[2] N. Brysson Morrison, 32-34.
[3] N. Brysson Morrison, 64.
[4] N. Brysson Morrison, 65.
[5] Jean Hani, *Sacred Royalty: From the Pharoah to the Most Christian King*, (London: The Matheson Trust, 2011), 191-192.
[6] William Miller Collier, *At the Court of His Catholic Majesty* (Cambridge, MA: Harvard University, 1912, reprinted 2007), 3.

This staunch Catholic monarch also became the founder of the Church of England and was responsible for breaking the country away from the authority of the pope. The event that most encouraged this division from Rome and the papacy was referred to as the "king's great matter," a euphemism for his desire to divorce his wife of twenty years, Katherine of Aragon. In early 1527, when news of the impending trial for divorce spread, Henry issued a statement to his nobility, judges, and counselors expressing his concerns about succession and the possibility of another civil war if these concerns were not settled. He attributed his lack of heirs by Katherine to their unlawful marriage (1509-1533), which was against God's law due to his wife's previous marriage to Henry's brother Prince Arthur (d. 1502).[7] The king set forth to settle his conscience, stating that "if it be determined by judgment that our marriage was against God's law and clearly void, then I shall . . . bewail my unfortunate chance that I have so long lived in adultery to God's great displeasure, and have no true heir of my body to inherit this realm."[8]

Historian Mortimer Levine also notes that events of 1532 and 1533 prepared the way for Henry's newfound Church of England as Parliament began to move in an antipapal direction. Henry appointed Thomas Cranmer, a well-known anti-papist, as Archbishop of Canterbury in 1532. Parliament passed the first *Act in Restraint of Annates* in 1533, which exchanged legislative dependency on Rome for dependence on the crown through the *Submission of the Clergy* statute (1533).[9]

Another act, the *Act of Restraint of Appeals* (1532), made all appeals to foreign courts illegal, further cutting the country's ties to Rome and establishing the legitimacy of the Church of England. The Act declared that all Englishmen and women were bound to the king as supreme

---

[7] Henry and Katherine only had one child, a daughter, who lived past infancy; Mortimer Levine, *Tudor Dynastic Problems 1460-1571* (London: George Allen & Unwin, 1973), 54.
[8] Mortimer Levine, 149.
[9] Mortimer Levine, 61-62.

head only after God, and that all matters of justice were to be decided by the king without provocation to any foreign princes. Further, where the divine law and spiritual learning were concerned, this Act granted powers of theological declaration and interpretation to the English Church "without the intermeddling of any exterior person or persons," including Rome. The Act found justification in its allegation that those who appealed to the courts of Rome did so for the delay of justice, and that the court was too far removed to provide an accurate remedy for grievances. [10]

On July 11, 1533, the same day Henry signed the *Act in Restraint of Annates* into effect and thus terminated all tax payments to Rome, Pope Clement VII declared Henry's marriage to Queen Katherine valid and warned that the king would be excommunicated if he did not reconcile with his wife by the following September. In response to this, Henry cut off communication with the papacy, recalling his envoys from Rome.[11] Parliament issued the *Act of Supremacy* in 1534, solidifying England's break with the Roman Catholic Church. This Act gave authority to the king and his successors as the Supreme Head of the Church of England, stating that they should be "taken, accepted and reputed the only supreme head on earth of the Church" and shall have full authority to "repress, redress, reform, order, correct, restrain and amend" all matters of the Church to the pleasure of God.[12] The *Act of Supremacy* put into statutory form what Henry had already claimed, allowing Parliament a legal basis for the punishment of dissenters. Henry now had legislation to support his ecclesiastical jurisdiction and the power to

---

[10] University of Missouri-Kansas City School of Law, "The Submission of the Clergy and Restraint of Appeals, A.D. 1534," http://law2.umkc.edu/faculty/projects/ftrials/more/moreacts2.html#Submission_of_the_Clergy_and_Restraint_of_Appeals_1534 (Accessed 14 October 2012).

[11] Mortimer Levine, 61.

[12] University of Missouri-Kansas City School of Law, "The Supremacy Act, A.D. 1534," http://law2.umkc.edu/faculty/projects/ftrials/more/moreacts2.html#The_Supremacy_Act_1534 (Accessed 14 October 2012).

define his subjects' religious beliefs. Moreover, the Act sought justification by asserting that God granted these powers to the king. This statement was rooted in the established theory of the Divine Right of Kings. In essence, this theory claims three things: the monarchy is consecrated by God, the monarchy possesses hereditary right, and the king is accountable to God alone.[13] Within this explanation it is clear to see how King Henry could assert such a notion. These acts and the establishment of the Church of England represent the first legal and social repression of Catholicism in England during this time period. They would become the source of the religious turmoil that plagued the English monarchy beyond even the reign of Queen Elizabeth I, the last Tudor monarch. However, until his death, Henry thought of himself as a good Catholic.[14]

The Religious Pendulum Swings: The Reigns of Edward VI (r. 1547-1553) and Mary I (r. 1553-1558)

In order to explore the later reforms of Elizabeth I, it is necessary to briefly explore the evolution of the Protestant Reformation under King Edward VI (r. 1547-1553) and the Catholic backlash that occurred under Queen Mary I (r. 1553-1558). Under his protectors, Henry's son Edward VI introduced greater Protestant reforms than his father had. Upon coming to the throne at the age of nine, Archbishop Cranmer gave the boy the papal title of "Christ's vicar" within his dominions. According to historian Richard Rex, Cranmer also pressed Edward to root out idolatry, remove images, and banish the tyranny of the bishops of Rome. With this declaration, Henry VIII's light reforms were replaced by free reign given to "new learning" about religion.[15]

---

[13] Fritz Kern, *Kingship And Law In The Middle Ages: Studies* (Clark, NJ: The Lawbook Exchange, Ltd., 2006), 5-6.
[14] N. Brysson Morrison, 68.
[15] Richard Rex, *The Tudors*, (Gloucestershire: Tempus Publishing Limited, 2003), 116.

In May 1547, Edward issued a clear message regarding Catholics when England's most famous theologian and defender of the Catholic doctrine of mass, Dr. Richard Smyth, was forced to make a humiliating public recantation of his views to the public. Cranmer was the chief instigator behind this event and went on to develop religious reform legislation in Edward's name. He published the *Book of Homilies* later that year, which was uncompromisingly anti-Catholic. He imposed the book upon all clergy throughout the Church of England by royal decree. Other decrees stated that all devotional images were to be removed from churches and private possession, the rosary was not to be recited, church funds were to be reallocated to the poor, and holy water was to be abandoned, among other reforms.[16]

Early in 1549, Cranmer published his *Book of Common Prayer*, which provided an English text for communion and services. This was imposed by the *Act of Uniformity* (January 1549), with the help of the Duke of Somerset, King Edward's Lord Protector. The Act abolished Latin services and implemented the *Book of Common Prayer* in all churches.[17] Rex argues that the success of implementing these reforms for which there was little support among the common people can be attributed to the invention and popularity of the printing process. A total break with the church of the past came later that year when all mention of sacrifice was eliminated from English liturgy.[18]

A revised *Book of Common Prayer* appeared in 1552 and was implemented by a new *Act of Uniformity*, which removed many traditional ceremonies and rewrote the ideas of baptism, confirmation, and burial services. Cranmer's *Forty-Two Articles* were given royal assent this year as well, condemning both Anabaptist heresies and Catholic doctrines on transubstantiation,

---

[16] Richard Rex, 117.
[17] Christopher Haigh, *English Reformations: Religion, politics and society under the Tudors*, (Oxford: Clarendon Press, 1993), 173.
[18] Richard Rex, 121-122.

purgatory, the saints, and salvation through good works. Haigh argues that these articles reflected a restrained form of Calvinism.[19] In 1550, the king ordered local authorities to call in all Catholic service books for a public burning, and widespread iconoclasm took place to dispose of "idolatry." Furthermore, conservative Catholic bishops were replaced by those supporting Edward's reforms.[20]At this point in English history, the country was well on the road to reform, and anti-papist legislation was at its highest point. The mass was replaced by reformed communion and conservative clergymen were all but forced out of their offices. It was only with young King Edward's untimely death in 1553 that this process of reform was brought to a dramatic halt.

The rule of Queen Mary I (r. 1553-1558), Henry VIII's daughter by Katherine of Aragon, is best characterized by her attempt to restore the old religion. Rex argues that this was her single most prominent policy during her short reign.[21] She began by waiting for the appointment of a papal legate, which was awarded to Cardinal Pole, a staunch Catholic who had been in exile for twenty years during Edward's and Henry's reigns. Mary's first Parliamentary acts were to withdraw authorization of the *Book of Common Prayer* and restore the mass. Morey states that the permitted liturgy reverted to that used in the final years of King Henry VIII's reign. Mary then appointed new bishops and repealed the right of clergy to marry that was formerly established under King Edward. She also worked diligently to establish six seminaries during her five-year reign, as well as to return the monasteries to their former glory.[22]

---

[19] Christopher Haigh, *English Reformations*, 179-181.
[20] Richard Rex, 129-130.
[21] Richard Rex, 144.
[22] Adrian Morey, *The Catholic Subjects of Elizabeth I* (Totowa, NJ: Rowman and Littlefield, 1978), 12-17.

Mary's other major effort was ecclesiastical and political reconciliation with Rome, although this was a complex process due to her former acceptance of her father's *Act of Supremacy* (1536). Rex notes that Mary also held the title of her predecessors as Supreme Head of the Church of England in the first year of her reign. In November 1553, Parliament met for a ceremony to request absolution from the pope for the national schism England had developed. This absolution expressed repentance for anti-Catholic laws and the promise to restore practices of the Catholic faith.[23]

By this point, the English people had witnessed an ever-changing landscape of religious decree in a short period of time. Thus, Mary's fervent efforts encountered some limitations. Protestantism continued to flourish in London and areas where foreign influence was strong. The parts of the country that maintained Catholicism had been isolated from the European influences of the Counter Reformation movement and were thus weakened in their ties to Rome. Parliament also failed to secure the repeal of all of the religious laws passed since 1529, including Henry's *Act of Supremacy* (1536). Furthermore, years of religious change had left a clergy lacking in both experience and education due to former exile and a generation of people raised under more Protestant reforms.[24] The greatest limitation to reconciliation with Rome lay in issues surrounding the plundering of church property by almost the entire ruling class of England. To the Catholic Church, this constituted sacrilege and immediate excommunication.[25]

Queen Mary I's posthumous reputation as "Bloody Mary" is intrinsically linked to the burning of heretics. Beginning in 1555, approximately 300 people—mostly of humble status and

---

[23] Richard Rex, 155-158.
[24] Adrian Morey, 12-14.
[25] Richard Rex, 157.

even some women—were charged with heresy and put to death during Mary's rule.[26] The statute that allowed for this was originally developed in 1401 and was also used by Henry VIII against Protestants. After being repealed by Edward VI, it was restored in 1554. In 1556, the former Archbishop Cranmer, who had not only attacked Catholicism but had also pronounced Henry VIII's divorce from Mary's mother, was one such heretic to be put to death. Although he did recant his Protestant beliefs in order to gain a more favorable fate, Mary did not grant him this mercy.[27]

Overall, Mary's Catholic restoration was not a success, most likely due to her short reign and the establishment of former Protestant policies. However, she did make significant headway. Morey asserts that during Queen Elizabeth's reign, Mary's treatment of heretics and marriage to Philip II of Spain associated Catholicism with burnings and unwanted foreign influence. Despite all of this, the new queen would find that Catholicism still had a strong hold in English life.[28]

Queen Elizabeth's Early Reign and the Middle Way (1558-1562)

This overview of the reforms instituted by three Tudor monarchs in power immediately before Elizabeth I (r. 1558-1603) offers a picture of the political and religious landscape of England leading up to Elizabeth's alternate religious policy. Historians have examined Elizabeth's personality in an attempt to determine why she took a more reformed course in what came to be known as the Elizabethan Settlement. In her own spiritual life, evidence shows that although she was a convinced Protestant, Elizabeth was more devoted to the Henrician Anglo-

[26] Adrian Morey, 18.
[27] Richard Rex, 162-164.
[28] Adrian Morey, 20.

Catholic style of her father than that of contemporary reformers.[29] Alternate reforms during the period included followers of Martin Luther (Lutherans), John Calvin (Calvinists), and various Anabaptist leaders such as Conrad Grebel and Melchior Hoffman. As the daughter of Anne Boleyn, Elizabeth's right to the throne and legitimacy as the child of Henry VIII was encapsulated by her defense of the authority of the Bible alone and her opposition to the Catholic Church—both arguments that her father made in his divorce statement. Furthermore, Elizabeth was a child of the first generation to grow up with the break from Rome and lacked the sympathy for the "old religion" that so many of her subjects still possessed.[30] Her early schooling also contributed to her social conservatism, as she studied the theological writings of Cyprian of Carthage, a bishop who upheld the doctrine of monarchial episcopacy (the monarch as the head bishop of the church).[31]

When Elizabeth came to the throne, English patriots and Protestants alike looked to her for support. During Mary's reign Catholicism became a byword for foreign influence, Spanish hegemony, heresy persecution, and a disastrous war with France.[32] It was in this context that Elizabeth issued her famous statement that she would "not open windows into men's souls," representing her religious ambiguity and early policies.[33] What followed was a set of royal injunctions that modern historians have described collectively as the Elizabethan Settlement.

The Elizabethan Settlement is characterized by two acts: the *Act of Supremacy* (1559) and the *Act of Uniformity* (1559). On Christmas Day 1558, the queen ordered the bishop saying

---

[29] Norman L. Jones, "Elizabeth's First Year: The Conception and Birth of the Elizabethan Political World," *The Reign of Elizabeth I*, ed. Christopher Haigh (Athens, Georgia.: University of Georgia Press, 1985), 28.
[30] Richard Rex, 183.
[31] Richard Rex, 190-191.
[32] Norman L. Jones, 28.
[33] Richard Rex, 185.

mass in the royal chapel not to elevate the host during the service. When he refused and elevated the host during mass, she walked out of the chapel.[34] With this dramatic action, Elizabeth declared her tone toward religious alteration. During her first year as queen in 1558, she held a council and drew up what would become the *Acts of Supremacy and Uniformity*. After the initial rejection of the *Act of Uniformity* (1559), she and her most trusted advisor William Cecil worked to discredit the bishops who voted against the bill in Parliament. The queen hosted an open theological discussion in which two Catholic bishops were shortly after arrested for disobedience to authority.[35] This reduced the number of Catholic dissenters in Parliament and ultimately allowed the Act to pass by a narrow three votes.[36]

The *Act of Supremacy* (1559) was similar to preceding supremacy injunctions, but departed from tradition by giving the queen the title of Supreme Governor of the Church rather than the traditional Supreme Head. The council hoped that this change of language would pacify Catholics and Protestants alike.[37] The Act also required an oath from all ecclesiastical officers. If any officer failed to take this oath, "he so refusing shall forfeit and lose all and every ecclesiastical and spiritual promotion, benefice and office, and every temporal and lay promotion and office" he held.[38] In addition, this bill repealed Marian heresy laws and provided for communion in both kinds.[39]

---

[34] Norman L. Jones, 32.
[35] Norman L. Jones, 42-43.
[36] Torrance Kirby, "The Impact of the Elizabethan Settlement," *Teaching History 124* (2006), 12.
[37] Norman L. Jones, 44.
[38] "Act of Supremacy: Eliz. Cap. I," G.W. Prothero, ed, *Select Statues and Other Constitutional Documents Illustrative of the Reigns of Elizabeth I and James I* (Oxford: Clarendon Press, 1898), 7.
[39] Norman L. Jones, 44.

The *Act of Uniformity* (1559) aimed to establish a uniform order of worship for the Church of England based on a new version of the *Book of Common Prayer* revised from Edward and Cranmer's 1552 edition. It essentially combined the two Edwardian *Acts of Uniformity* (1549 and 1552).[40] It made church attendance compulsory and outlined detailed punishments for deviating from the royal decree.[41] Although modeled on Edward VI's reforms, the Act seems to have taken Catholic sympathies into account by retaining some processionals and forbidding iconoclastic activity. In fact, the new *Book of Common Prayer* more closely resembled the doctrine of Henrician Anglo-Catholicism with its inclusion of prayers for the souls of the dead. Although these passages were removed in a 1560 revision, this second version also restored most saints' days that were observed during the reign of Henry VIII.[42] In addition, the *Act of Uniformity* (1559) established that the clerical dress used in the second year of Edward's reign should be used, and upheld some ecclesiastical ornamentation.[43] In effect, the inclusion of some traditional Catholic elements attempted to soften the blow of this largely Protestant document.

The Elizabethan Settlement was defined by the fact that it sought outward submission and obedience rather than inward conviction. Several examples make this clear. Firstly, church court records show that early cases of church truancy were addressed as issues of outward conduct, and there was no investigation into the nature of truancy, which could have been based on theological grounds. Secondly, the nature of Catholic "heresy," was discussed in the context of loyalty to the pope and constituted treason more than religious heresy. Lastly, language used

---

[40] Norman L. Jones, 45.
[41] "Act of Uniformity: Eliz. Cap. II," G.W. Prothero, ed., 15-17.
[42] Torrance Kirby, 13.
[43] Norman L. Jones, 45-46.

in public documents and royal decrees shows that the Elizabethan Church was less concerned with conversion and more concerned with the establishment of order.[44]

This focus on outward submission can be attributed to Elizabeth's political approach to religious reform. Historian G.W. Bernard discusses the Settlement in the midst of his examination of the Church of England as a whole. He argues that Elizabeth (as would her successors James I and Charles I) placed secular and political considerations above theological issues, even in cases in which her decisions held significant religious impact.[45] Thus, her Settlement was more about English nationalism and securing her rule than theological reform. This is evident from her initial rejection of Edmund Grindal's "moderate Puritanism," which she saw as a loosening of royal control over the Church and foreign policy. Grindal's vilification of the pope as antichrist would cause problems in English diplomacy and her own marriage negotiations with princes of Catholic nations. Another telling symbol of her emphasis on nationalism was the placement of her royal arms inside all parish churches.[46]

This concern for nationalism and securing her right to the throne is better understood by examining the context of contemporary events. Elizabeth recognized that religious dissention led to political upheaval, as demonstrated by the growth of "radical" religious movements in foreign countries and the French Wars of Religion (1562).[47] She also inherited a country in financial crisis and a war in which England was allied with Philip II of Spain, a staunch Catholic.[48] Claimants to the throne from abroad appeared suddenly as well. In 1559 Mary Stuart, Queen of Scots, inherited the French throne as queen consort. Elizabeth and her council feared that—for

---

[44] Patrick Collinson, 178-180.
[45] G.W. Bernard, "The Church of England, c. 1529-c. 1642,"*History 75,* no 244 (1990), 188.
[46] G.W. Bernard, 186-187.
[47] G.W. Bernard, 187.
[48] Norman L. Jones, 29-34.

both political and religious reasons—her cousin queen with royal blood of England would attempt to take the throne as a Catholic monarch.[49]

Other actions point to Elizabeth's fear of a religious uprising and political instability. Early in her reign, she instituted stranger churches that were under the direct jurisdiction of the bishop of London rather than a foreign nation. She also made it clear that foreigners were not permitted to have churches free from royal control or allow Englishmen to attend their services. She banned the discussion of complex theological problems (except to universities and scholars) and prohibited public preaching of intense evangelism.[50] These measures clearly demonstrate the need to establish royal supremacy within the Anglican Church and a fear of the rise of a radical Protestant center in England. Ultimately, Elizabeth kept her Settlement ambiguous in theological terms, and it would have been hard to distinguish at the time if these Acts were final or a step on the road to further reform.[51]

Compared to other reformations taking place at the time, the Elizabethan Settlement was not revolutionary in terms of theology or doctrine. In fact, as stated previously, many parts of the Settlement more closely resembled Henry VIII's Church of England than Edwardian Protestant reforms. Implementation of the *Act of Uniformity* (1559) was delayed, and in many London churches Catholic services continued to be performed until legally impossible. The countryside saw even longer delays. For example, in the diocese of Lincoln, only 45 out of 180 parish churches had met the Elizabethan Settlement's requirements by 1560. Eighty-two parishes delayed the destruction of Catholic books, images, and vestments, and many only complied when

---

[49] Norman L. Jones, 48.
[50] G.W. Bernard, 188.
[51] G.W. Bernard, 187.

royal visitations begin in the mid-1560s. At Welby, parish churches burned banned images but kept the mass book and ornaments until 1565.[52]

It is clear that pockets of staunch Catholicism existed after the Settlement, but Haigh also attributes these delays to the religious pendulum that had taken place among Elizabeth's immediate predecessors. He cites that due to the endurance of many religious changes in such a short timeframe, it is not surprising that few saw the injunctions of 1559 as permanent and were therefore hesitant to deface Catholic images.[53] This situation is clearly demonstrated in the local example of Bishop's Stratford, where under King Edward in 1547, the church removed all of its Catholic ornaments, whitewashed the building, and replaced the altar with a communion table. During the Catholic restoration under Queen Mary I, the church reinstalled its Catholic images. Under Elizabeth in 1559, it again removed the altars and other imagery. It was not until 1580 that the church fully complied with the Settlement and sold off all Catholic liturgical books and goods it had illegally retained.[54]

Delayed implementation was not the only drawback of the Settlement. Haigh attributes relative failures to the scarcity of legitimate ministers to follow preaching regulations. Thus, the imposed system of quarterly sermons was ineffective in many areas.[55] This shortage of clergy who held the required master's degree forced bishops to turn to poorly qualified candidates.[56]

It is with the passage of the Elizabethan Settlement, and more specifically the *Act of Uniformity* (1559), that early signs of anti-papist legislation and recusancy laws during the Elizabethan era appeared. Punishments were not harsh by comparison at this juncture. Laymen

---

[52] Torrance Kirby, 12.
[53] Christopher Haigh, "The Church of England, the Catholics and the People," *The Reign of Elizabeth I,* ed. Christopher Haigh (Athens, GA: University of Georgia Press, 1985), 197.
[54] Torrance Kirby, 13.
[55] Christopher Haigh, "The Church of England," 203-206.
[56] Patrick Collinson, 185.

who disobeyed the Act were typically fined a shilling and ordered to surrender ritualistic paraphernalia, such as saints' relics, altarpieces, and emblems of the host.[57] Jones summarizes the state of Catholics well when he asserts that Catholics were not seriously persecuted under the Settlement due to the queen's fear of revolt. Spanish diplomatic pressure also kept the pope from making it clear to English Catholics where their duty lay.[58] It was this pressure from King Phillip II that would also delay Elizabeth's excommunication for eleven years after she had clearly shown herself to be a heretic in the eyes of the Roman Catholic Church.[59]

Although Catholic recusancy and anti-papist legislation would take a more drastic turn later in Elizabeth's reign, the form of religion at this time remained uncertain. Haigh points out that legislative reform had taken place, but very limited popular reform was in motion.[60] What had instead emerged was a form of Protestantism closely connected with national identity, civil obedience, and hostility toward Catholic foreign powers. Collins accurately describes England at this point as "a Protestant nation containing deep tension and potential confusion within an outward shell of consensus."[61]

The Spread of Catholic Recusancy in Elizabethan England (1563-1570)

The Elizabethan Settlement made it illegal to celebrate mass, deny the royal supremacy, and miss the established Anglican Church services on Sundays and holy days. In 1563, Parliament added punishments for upholding the pope's authority. A first-time offender charged with *praemunire*, or appealing to Rome, faced loss of property, while a second offense now

---

[57] Torrance Kirby, 12.
[58] Norman L. Jones, 47.
[59] Norman L. Jones, 35.
[60] Christopher Haigh, "The Church of England," 195-196.
[61] Patrick Collinson, 175-176.

constituted treason. The *Oath of Supremacy* (1559) was also used more frequently as a test of religious loyalty. However, Arnold Pritchard argues that Catholic persecution during Elizabeth's early reign was infrequent, especially when compared to persecution in other areas of Europe. He argues that the enforcement of anti-papist legislation was generally lax, and that the *Oath of Supremacy* could be evaded. He therefore asserts that instances of recusancy were limited prior to the 1570s.[62]

In Elizabethan England, Catholic recusancy meant the refusal to attend the religious services of the Anglican Church. Peter Holmes explains that religious resistance was usually justified with the use of biblical quotations. One popular quotation by St. Peter was frequently cited: "We ought to obey God rather than men" (Acts 5:29). Another quotation from Jesus was also employed: "Render, therefore, unto Caesar the things which are Caesar's and unto God the things that are God's" (Mark 12:17). Holmes also asserts that this idea of religious resistance, though supported by the Bible, was also deeply rooted in the political theology of the sixteenth century, which stated that human law was dependent on its validation by divine law.[63] He notes that the foundation of religious resistance during the Elizabethan era was recusancy.[64]

Pritchard cites two main reasons for the lack of recusancy in Elizabeth's early reign. First, he states that most English citizens saw leaving an established Church for a small sect that retained the supremacy of a faraway pope as a greater break with the traditional religion than accepting the 1559 injunctions. In many ways, the new Church of England resembled the church Englishmen had attended for years. It was housed in the same buildings, held the same central

---

[62] Arnold Pritchard, *Catholic Loyalism in Elizabethan England* (Chapel Hill: University of North Carolina Press, 1979), 3-4.
[63] Peter Holmes, *Resistance and Compromise: The political thought of the Elizabethan Catholics* (Cambridge: Cambridge University Press, 1982), 81.
[64] Peter Holmes, 83.

position in social life, and even looked the same to some degree.[65] Another reason for a lack of recusancy could have been the absence of domestic events that sharply divided Catholics and Protestants. The pope did not excommunicate Queen Elizabeth until 1570, and though the Catholic Council of Trent (which ended in 1563) forbade Catholic participation in heretical services, this restriction was not well enforced or publicized in England.[66] During Elizabeth's first decade Catholics displayed resistance mostly through exile, refusal of the *Oath of Supremacy*, and abstention from communion.[67] In the end, a series of events—the Rising of the North (1569), plots involving Mary Queen of Scots, tensions with Spain, and Elizabeth's excommunication (1570)—characterize the second decade of Elizabeth's rule, which saw more instances of recusancy and as a reaction, more anti-papist legislation.

The printing press assisted in the spread of the idea of recusancy as Elizabeth's middle years saw a stream of works published by Catholic authors advocating resistance. These included pieces such as Richard Bristow's *Motives* (1574), Robert Parsons' various works (1580), and explanatory annotations added to the Rheims New Testament. This influx of texts on the subject from seminary sites in Rome, Douai, and other Spanish territories combined with missionaries returning from exile and harsher laws transformed Catholic recusancy from the acts of a small minority on the outskirts of society into the distinguishing factor between Protestant and Catholic Englishmen. Holmes attributes this visible change in recusancy to the active propaganda on the subject that began in 1566 by writers such as Laurence Vaux and Nicholas Sanders. These early proponents of recusancy based their arguments on the Council of Trent's assertion that Protestant services were heretical and false, and that Catholics who participated in them were thus false and

---

[65] Arnold Pritchard, 4.
[66] Arnold Pritchard, 39.
[67] Peter Holmes, 83.

unfaithful.[68] Hence, English Catholics during the late 1560s and early 1570s were taught that attendance at Church of England services was a mortal sin and were encouraged to embrace recusancy despite the cost to their livelihood.

It is important to note that not all Catholics were staunch advocates of recusancy. Even after 1581 when a £20 monthly fine was passed for recusants and persecution was high, several Catholic clergy taught that it was lawful to attend Protestant church services in order to preserve safety and as long as no communion was taken. However these teachings were clearly the minority.[69] Other Catholics continued to practice different means of resistance, including exile to Catholic lands such as those ruled by the Holy Roman Empire.[70]

External political issues contributed largely to the rise in recusancy laws and the increasing harshness of punishments. The first notable issue that caused political unrest was the appearance of Mary Stuart, Queen of Scots, in England. Mary fled to the country of her royal cousin after losing a battle to regain her Scottish throne in 1568. In England she was kept a prisoner, despite having her own small court. Pollen argues that this imprisonment hinged on two facts: Mary was the next heir to the English throne and also a Catholic. The fact that her execution was delayed until 1587 could be a result of Elizabeth's disapproval for dissent against any royal authority, as it could potentially justify dissent against her own monarchy.[71] Thus, the Scottish Queen was unofficially resigned to perpetual imprisonment.

While under house arrest, Mary Stuart did not sit idly. She had proven herself a faithful Catholic, even writing to the pope to forgive her for attending some English services while in

---

[68] Peter Holmes, 84-85.
[69] Peter Holmes, 90.
[70] Peter Holmes, 109.
[71] John Hungerford Pollen, *The English Catholics in the Reign of Queen Elizabeth: A study of their politics, life and civil government* (New York: Burt Franklin, 1971), 117-119.

confinement.[72] Soon she became a rallying point for English Catholics, and paved the way for open rebellion by nobles in the north. The Rising of the North began in November 1569. No match for Elizabeth's army, the footmen were disbanded, and by late December their earl generals fled to the Scottish border.[73] The nobles' main argument for the uprising was not solely a matter of religion, but also court politics. Their proclamations show their discontent with the new nobles surrounding the queen, whom they blamed for upholding the new religion.[74] This is not to say that the footmen's motives were political. During the rebellion, it is documented that Catholic images were resurrected from hiding places and reestablished in some parish churches in the rebellious regions. Crowds also flocked to ritual burnings of Protestant bibles and prayer books.[75]

In 1570, Pope Pius V issued the bull *Regnans in Excelsis*, which declared the official and long-awaited excommunication of Elizabeth. It represented a turning point in Catholic instruction to Englishmen because the bull in effect declared that the queen's subjects were free from their obligation of obedience to the crown.[76] It stated that "nobles, subjects and peoples are free from any oath to her, and we interdict obedience to her mandates and laws. Those who do otherwise we involve the same anathema."[77]

That same year a plot to assassinate the queen was discovered, which came to be known as the Ridolfi plot after its main propagator Roberto Ridolfi, a Florentine gentlemen residing in England as a merchant. The pope was believed to be behind this plot, encouraging Ridolfi after

---

[72] John Hungerford Pollen, 126.
[73] John Hungerford Pollen, 137.
[74] John Hungerford Pollen, 138.
[75] The Historical Association, 13.
[76] Arnold Pritchard, 4.
[77] John Hungerford Pollen, 151.

his release of the bull of excommunication.[78] Pius reportedly sent money to Ridolfi along with a letter to Mary Stuart, claiming that the money was sent to relieve the north and that he would support her on the throne of England.[79]

Arnold Oskar Meyer argues that the bull and the resulting Ridolfi plot produced an enduring effect on England's attitude toward the Catholic Church and fanned the flames of Roman Catholic hatred among English Protestants. He further asserts that the excommunication of Elizabeth failed in its objective due to the pope's mistaken assumptions about the number and influence of Catholics in England and due to the unwillingness of Catholic foreign powers to isolate England as the excommunication urged.[80] He argues that the English government now watched Catholics more closely than ever, and after the Rising of the North the number of imprisonments for recusancy increased.[81]

Tightening the Reigns: Elizabeth's Later Rule (1571-1603)

The period after these events—roughly from 1571 until the end of Elizabeth's reign in 1603—saw more reactionary policies toward Catholic recusants. Anti-papist legislation and penal laws reached a highpoint and were upheld more fervently. Meyer attributes this change in Elizabethan policy to the external events that occurred up to this point—Mary Stuart's residence in England (from 1568), the Rising of the North (1569), the papal bull of excommunication (1570), and the Ridolfi plot (1570). After these events the issue of Catholic worship even in

---

[78] Arnold Oskar Meyer, *England and the Catholic Church Under Queen Elizabeth* (New York: Barnes & Noble, Inc., 1967), 90.
[79] John Hungerford Pollen, 165
[80] Arnold Oskar Meyer, 85-87.
[81] Arnold Oskar Meyer, 89.

peacetime was cause for suspicion and persecution.[82] In 1571 the *Act Prohibiting Papal Bulls from Rome* was passed. This Act declared it treason to refer to the monarch as a heretic or schismatic, and persecuted anyone who made the papal bulls of Rome known in England.[83]

Scenes of foreign uprising and threats to the monarch's stability were on the rise. The St. Bartholomew's Day Massacre (1572) that took place in Paris struck fear in Protestants and was a key influencer in the anti-Catholic attitude of one of Elizabeth's chief advisors. Francis Walsingham, who was appointed Secretary in 1573, was the English ambassador in Paris and had witnessed the massacre.[84] In the Spanish Netherlands, Philip II launched an effort to eliminate religious diversity among the territories in which Lutherans, Anabaptists, and Calvinists had made significant gains. Rex argues that this effort was not only bad for Protestantism, but also bad for trade. The English had trade interests in the Netherlands along with a solid relationship with the follow Protestant nation.[85] A break with Spain seemed inevitable.

England's relations with Spain began to heat up in the late 1570s. In 1580 the line succession to the throne of Portugal expired, and Philip II secured the succession. With his new title, he gained all of Portugal's financial resources. Rex asserts that this is when his ambitions looked to an alliance with Elizabeth's Catholic subjects and the Guise faction (Mary Stuart's family) in France. His agents plotted to invade Scotland and England, and to replace Elizabeth with the Queen of Scots.[86] The same year, English government caught wind of a suspected Papal League through a letter that outlined an alliance between King Philip of Spain, the Pope, and the

---

[82] Arnold Oskar Meyer, 125-128.
[83] Arnold Oskar Meyer, 89-90.
[84] Richard Rex, 212.
[85] Richard Rex, 214.
[86] Richard Rex, 219-220.

Duke of Tuscany. The articles in this letter revealed plans for the pope to declare Elizabeth illegitimate and a usurper, for the Bull of Excommunication to be published in all countries, and for a joint invasion of England where English Catholics would rally to the cause. The legitimacy of this letter has been questioned by historians, but legitimate or not—it was enough to add fuel to the anti-Catholic fire and provide cause for the queen to issue new acts against recusants.[87] In addition, English aid was sent to the Portuguese pretender to the throne, while Spain was aiding rebels in Ireland.[88] The two countries were headed toward war.

The "cold war" ceased and declared war with Spain broke out in 1585 when Elizabeth sent the Earl of Leicester with a force of several thousand men to aid Philip's enemies in the Netherlands. This provoked Philip into direct action against England, which would materialize in the launch of an attempted invasion in 1588.[89] During war preparations in 1585, Pope Sixtus V issued a manifesto against Elizabeth that both reiterated her excommunication and outlined the political aims of the Spanish king in the war with England. Meyer proposes that the clear motive of this manifesto was to reassure all English Catholics that they should support the cause of the invading Spanish army.[90] England won a decisive battle against the Spanish Armada in summer 1588 that displayed the failure of this bull in uniting English Catholics with Spain and reconciling the country with Rome.[91]

The Catholic missionary movement in England also made considerable headway while causing domestic problems for the queen. The first English seminary in exile was founded in 1568 at Douai in the Spanish Netherlands under a private initiative led by the English exile

---

[87] John Hungerford Pollen, 235-237.
[88] Richard Rex, 220.
[89] Richard Rex, 220-224.
[90] Arnold Oskar Meyer, 324-325.
[91] Arnold Oskar Meyer, 335.

William Allen.[92] Hardly any priests were sent on missions to England until the 1570s. The movement's first martyr, Cuthbert Mayne, was executed in England in 1577. Douai was joined by a seminary in Rome and by seminaries founded throughout Spain after the Armada's defeat. The first Jesuit missionaries appeared in England in the 1580s. The aim of these priests was to emphasize the differences and divisions between English Catholics and Protestants by secretly ministering to English Catholics.[93] Pritchard notes that while the individuals running the seminaries often participated in espionage, this was not the goal of the majority of missions. In most cases, priests sent into England were forbidden from discussing political matters. Despite this, the English government claimed Catholics were executed as traitors.[94]

In response to this infiltration of Catholic priests, Parliament passed an act in 1581 enforcing a £20 monthly fine for recusants.[95] It was also considered treason to convert or be converted to Catholicism.[96] The *Act of 1585* ordered all priests to leave the country within forty days and condemned to death all those who entered the country as well as any Englishman giving aid to the fugitives.[97]

Legislation against papists continued to build throughout this period, and more acts against recusants were published in the last sixteen years of Elizabeth's reign than in her first three decades. In 1587, suspected recusants who failed to appear for trial automatically incurred guilt.[98] In 1593, legislation against Catholics first used the term "Popish recusants" and ordered all such people to remain within five miles of their homes. The punishment for disobeying this

---

[92] Arnold Pritchard, 39.
[93] Arnold Pritchard, 5-6.
[94] Arnold Pritchard, 8-9.
[95] Peter Holmes, 90.
[96] J.A. Hilton, *The Recusant Historian's Handbook* (North West Catholic History Society, 1993), 2.
[97] Arnold Oskar Meyer, 149.
[98] J.A. Hilton, 2.

royal injunction was the forfeiture of goods for life. Any recusants who publicly converted were free from the Act.[99] This *Act Against Recusants* clearly outlines its purpose, stating that it is "for the better discovering and avoiding of all such traitorous and most dangerous conspiracies and attempts that are daily devised and practiced against our most gracious sovereign lady" by those who "secretly wander and shift from place to place within this realm, to corrupt and seduce her majesty's subjects, and to stir them to sedition and rebellion."[100] The justification found in this Act clearly outlines the general objectives and fears supporting the recusancy laws.

Pritchard argues that the enforcement of these new laws was erratic, yet so severe that it made Catholicism a more costly choice than ever. Approximately sixty-three laymen and women of Elizabeth's reign were recognized as Catholic martyrs. Priests were persecuted more often, though most frequently with prison sentences. Of the 649 priests sent to England, at least 377 of them were imprisoned rather than executed. Some of these priests were imprisoned multiple times, and 133 of the missionaries were executed by the state.[101]

Long-Term Effects

Acts against papists and Catholic recusants in the Elizabethan era left their mark on society long after the Queen Elizabeth's death in 1603. An act in 1606 forced recusants to receive Anglican communion once a month and barred them from public office and some professions. The *Act of 1678* barred recusants from Parliament. Acts in 1692 and 1699 forced recusants to incur double land tax and eventually excluded them from purchasing and inheriting property.[102]

---

[99] Arnold Oskar Meyer, 149.
[100] "The Act Against Recusants, (1593), 35 Elizabeth, Cap. 2," *Documents Illustrative of English Church History*, ed. Henry Gee and William John Hardy (New York: Macmillan, 1896), 498.
[101] Arnold Pritchard, 7-8.
[102] J.A. Hilton, 2.

Although these regulations are much more persecuting in nature than Elizabeth's injunctions, it is not difficult to see how the correlated pattern of threats to stability and reactionary policies continued during the reigns of her immediate predecessors. Recusancy laws remained in effect until 1791 with the passing of the *Relief Act,* which allowed Catholic clergy to exercise ministry in the country. The *Emancipation Act* was not passed until almost forty years later in 1829, permitting Catholics to hold public office and sit in Parliament.[103]

Conclusion

The anti-papist legislation and recusancy laws issued by Queen Elizabeth began gradually with the Elizabethan Settlement in the first decade of her reign. However, as external threats and internal Catholic propaganda escalated her fears of an uprising, her administration issued more decrees and imposed harsher punishments on recusants. Both Elizabeth's initial Settlement and the more reactionary policies found during her later reign demonstrate that the nature of recusancy laws was more about political stability than the imposition of religious doctrine.

The legislation passed during this period had a profound effect on English Catholics. Although most lay people were not formally prosecuted, they were often the victims of suspicion and social persecution. Elizabeth's policies on religion also affected England's relationships with powerful nobles and foreign powers, as seen in the Rising of the North (1569) and war with Spain (1585). Ultimately, the most lasting effect of Elizabeth's anti-papist legislation is found in its endurance throughout the regimes of her predecessors.

---

[103] J.A. Hilton, 3.

Bibliography

Bernard, G.W. "The Church of England c. 1529-c. 1642." *History* 75, no. 244 (1990): 183-206.

Collier, William Miller. *At the Court of His Catholic Majesty*. Cambridge, MA: Harvard University, 1912, reprinted 2007.

Collinson, Patrick. "The Elizabethan Church and the New Religion." *The Reign of Elizabeth I.* ed. Christopher Haigh. Athens, GA: University of Georgia Press, 1985.

Gee, Henry and William John Hardy, ed. "The Act Against Recusants (1593), 35 Elizabeth, Cap. 2." *Documents Illustrative of English Church History*. New York: Macmillan (1896): 498-508.

Haigh, Christopher. *English Reformations: Religion, politics and society under the Tudors*. Oxford: Clarendon Press, 1993.

Haigh, Christopher. "The Church of England, the Catholics and the People." *The Reign of Elizabeth I.* ed. Christopher Haigh. Athens, GA: University of Georgia Press, 1985.

Hani, Jean. *Sacred Royalty: From the Pharoah to the Most Christian King*. London: The Matheson Trust, 2011.

Hilton, J.A. *The Recusant Historian's Handbook*. North West Catholic History Society, 1993.

Holmes, Peter. *Resistance and Compromise: The political thought of the Elizabethan Catholics*. Cambridge: Cambridge University Press, 1982.

Jones, Norman L. "Elizabeth's First Year: The Conception and Birth of the Elizabethan Political World." *The Reign of Elizabeth I.* ed. Christopher Haigh. Athens, GA: University of Georgia Press, 1985.

Kern, Fritz. *Kingship And Law In The Middle Ages: Studies*. Clark, NJ: The Lawbook Exchange, Ltd., 2006.

Kirby, Torrance. "The Impact of the Elizabethan Religious Settlement." *Teaching History* 124 (2006): 12-13.

Levine, Mortimer. *Tudor Dynastic Problems 1460-1571*. London: George Allen & Unwin Ltd., 1973.

Meyer, Arnold Oskar Meyer. *England and the Catholic Church under Queen Elizabeth*. New York: Barnes & Noble, Inc., 1967.

Morey, Adrian. *The Catholic Subjects of Elizabeth I.* Totowa, NJ: Rowman and Littlefield, 1978.

Morrison, N. Brysson. *The Private Life of Henry VIII.* New York: The Vanguard Press, Inc., 1964.

Pollen, John Hungerford. *The English Catholics in the Reign of Queen Elizabeth: A study of their politics, civil life and government.* New York: Burt Franklin, 1971.

Pritchard, Arnold. *Catholic Loyalism in Elizabethan England*. Chapel Hill: University of North Carolina Press, 1979.

Prothero, G.W., ed. *Select Statutes and Other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I.* Oxford: Clarendon Press, 1898.

Rex, Richard. *The Tudors*. Gloucestershire: Tempus Publishing Limited, 2003.

University of Missouri-Kansas City School of Law. "The Submission of the Clergy and Restraint of Appeals, A.D. 1534." http://law2.umkc.edu/faculty/projects/ftrials/more/moreacts2.html#Submission_of_the_Clergy_and_Restraint_of_Appeals_1534. Accessed on 14 October, 2012.

University of Missouri-Kansas City School of Law. "The Supremacy Act, A.D. 1534." http://law2.umkc.edu/faculty/projects/ftrials/more/moreacts2.html#The_Supremacy_Act_1534. Accessed on 14 October, 2012.